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09/377,402	08/20/1999	SHUNSUKE AKIFUJI	520.3746X00	7780

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EXAMINER

MEINECKE DIAZ, SUSANNA M

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 04/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/377,402

Applicant(s)

AKIFUJI ET AL.

Examiner

Susanna M. Diaz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-6 and 8-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6 and 8-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This Final Office action is responsive to Applicant's amendment filed February 3, 2004.

Claims 1, 2, 4, 5, 9, 12, and 17 have been amended.

Claims 1, 2, 4-6, and 8-19 are pending.

2. The previously pending claim objections are withdrawn in response to Applicant's amendment of the claims.

The previously pending rejections under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph are withdrawn in response to Applicant's amendment of the claims.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1, 2, 4-6, and 8-19 have been considered but are moot in view of the new grounds of rejection, which are necessitated by Applicant's claim amendments.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 2, 4-6, and 8-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Fuss et al. (U.S. Patent No. 6,401,119). *(Please note that Applicant has not yet provided a certified English copy of the Japanese application to which priority is claimed; therefore, Applicant's priority has not been perfected and Applicant's filing date of August 20, 1999 is currently recognized as Applicant's earliest priority date for purposes of applying prior art.)*

Fuss discloses a workflow system connected to a plurality of client computers for executing business procedures each including a plurality of related business processes, at least one of the business procedures being allowed to execute some of the related business processes concurrently, comprising:

[Claim 5] a definition table for defining a start condition and a completion condition for each business process and an abnormal status change to be detected in related business processes capable of being executed concurrently (col. 5, line 35 through col. 6, line 54; col. 7, lines 44-50; col. 10, line 3 through col. 11, line 8 -- The network management system monitors for various predefined events in a list of possible events, i.e., a table of abnormal status changes, including an overload, a failure, a failed attempt to deliver data, etc. The business project tasks may need to run concurrently with the act of making related data available; therefore, if there is a failure to deliver the needed data, the associated business project tasks are affected. Since the network management system knows how to detect events, i.e., abnormal status changes, and whom or which processes are affected by the events and should therefore be notified, it

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is understood that the network management system contains at the very least a generic table, i.e., list of relationships, linking all of this data together to perform the necessary monitoring, event detection, impact analysis, and notification thereof);

a status watcher for detecting a status change in a business process being executed, including an occurrence of an abnormal status change defined in said definition table (Figs. 3, 4A; col. 5, lines 35-64; col. 7, lines 44-50 -- The network management system monitors for various predefined events in a list of possible events, i.e., a table of abnormal status changes, including an overload, a failure, a failed attempt to deliver data, etc.);

a workflow engine connected to the status watcher, for controlling the execution of each of the business procedures based on the status change detected by the status watcher and predetermined business procedure definitions (col. 5, line 35 through col. 6, line 54; col. 7, lines 44-50; col. 10, line 3 through col. 11, line 8 -- The network management system monitors for various predefined events in a list of possible events, i.e., a table of abnormal status changes, including an overload, a failure, a failed attempt to deliver data, etc. The business project tasks may need to run concurrently with the act of making related data available; therefore, if there is a failure to deliver the needed data, the associated business project tasks are affected. As a result, certain tasks may be delayed while others may be completed through alternative means); and

a notifier for notifying at least one of the client computers of the occurrence of the abnormal status change detected by the status watcher, when the user of the client computer has been already ordered to execute an interdependent business process

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having a start condition identical to that of the business process in which the abnormal status change was detected or to a completion condition of a business process executed concurrently with the business process in which the abnormal status change was detected, so as to prevent the user from completing the interdependent business process (col. 5, line 35 through col. 6, line 54; col. 7, lines 44-50; col. 10, line 3 through col. 11, line 8 -- The network management system monitors for various predefined events in a list of possible events, i.e., a table of abnormal status changes, including an overload, a failure, a failed attempt to deliver data, etc. The business project tasks may need to run concurrently with the act of making related data available; therefore, if there is a failure to deliver the needed data, the associated business project tasks are affected. As a result, certain tasks may be delayed while others may be completed through alternative means. Since it is understood that particular tasks of a project require specific data, when said specific data is not available at all, then the related task must be delayed. This implies that the provision of the specific data is a part of the start and/or completion condition in order for the person who has been ordered to execute the related task to actually start the calculations, activities, etc. associated with that task and thereby finish the task. If, for example, there is a failure to deliver data, then the actual task of delivering data in and of itself also comprises the start and completion conditions of starting to deliver data and completing the delivery thereof);

[Claim 6] wherein the status watcher detects a discontinuance of the business process as said abnormal status change (Figs. 3, 4A; col. 5, lines 35-64; col. 7, lines 44-50 -- The network management system monitors for various predefined events in a list

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of possible events, i.e., a table of abnormal status changes, including an overload, a failure, a failed attempt to deliver data, etc.);

[Claim 8] a resource selector for receiving an instruction and an identifier of the business process on which the abnormal status change was detected from the workflow engine, and selecting the client computer to be notified of said abnormal status change by referring predetermined rules previously defining the relation between predetermined business procedures and client computers, thereby to designate the client computer to said notifier (abstract; col. 5, line 35 through col. 6, line 54; col. 7, lines 44-50; col. 10, line 3 through col. 11, line 8);

[Claim 10] wherein the status watcher, the workflow engine, the notifier and the resource selector are individual programs executed concurrently to control the execution of each of the business procedures (abstract; col. 5, line 35 through col. 6, line 54; col. 7, lines 44-50; col. 10, line 3 through col. 11, line 8);

[Claim 11] an exception handler unit for creating attributes to handle the abnormal status change detected by the status watcher (col. 5, line 35 through col. 6, line 54; col. 7, lines 44-50; col. 10, line 3 through col. 11, line 8); and

a user retrieval unit for selecting the user of the client computer in charge of a business process interdependent to the business process in which the abnormal status change was detected by the status watcher (col. 5, line 35 through col. 6, line 54; col. 7, lines 44-50; col. 10, line 3 through col. 11, line 8).

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[Claims 1, 2, 4, 9] Claims 1, 2, 4, and 9 recite limitations already addressed by the rejection of claims 5, 6, 8, 10, and 11 above; therefore, the same rejection applies.

[Claims 12-16] Claims 12-16 recite limitations already addressed by the rejection of claims 5, 6, 8, 10, and 11 above; therefore, the same rejection applies.

[Claims 17-20] Claims 17-20 recite limitations already addressed by the rejection of claims 5, 6, 8, 10, and 11 above; therefore, the same rejection applies.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

"Interworkflow Application Model: The Design of Cross-Organizational Workflow Processes and Distributed Operations Management" -- Discusses cross-organizational workflow and the monitoring thereof.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the



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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (703) 305-1337. The examiner can normally be reached on Monday-Friday, 9 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703)308-1113.

Any response to this action should be mailed to:

**Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450**

or faxed to:

**(703)305-7687** [Official communications; including  
After Final communications labeled  
"Box AF"]

**(703)746-7048** [Informal/Draft communications, labeled  
"PROPOSED" or "DRAFT"]

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Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 22202, 7<sup>th</sup> floor receptionist.

*Susanna Diaz*  
Susanna M. Diaz  
Primary Examiner  
Art Unit 3623  
April 15, 2004